

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12 and 307A.2, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 400, "Vehicle Registration and Certificate of Title," Chapter 401, "Special Registration Plates," Chapter 425, "Motor Vehicle and Travel Trailer Dealers, Manufacturers, Distributors and Wholesalers," Chapter 602, "Classes of Driver's Licenses," and Chapter 604, "License Examination," Iowa Administrative Code.

The Department is proposing to amend Chapters 400, 401, 425, 602 and 604 to comply with 2016 Iowa Acts, House File 2437, which amended Iowa Code chapter 321 to designate certain three-wheeled motor vehicles as autocycles and to align the rules to conform with Department practices. House File 2437 defined an autocycle as a three-wheeled motor vehicle that is originally designed with the following: two front wheels and one rear wheel; a steering wheel rather than handlebars; no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle; and foot pedals that control the brakes, acceleration and clutch, where applicable. Although these types of vehicles have been constructed to the federal motor vehicle safety regulations that apply to motorcycles, these vehicles do not fit the traditional legal definition of motorcycle, do not require motorcycle skills to drive because they are constructed to drive like passenger vehicles and do not require the dynamic riding skills that accompany handlebars and saddle-style seats.

The proposed amendments to Chapter 400:

- Exclude an autocycle from the weigh ticket requirement in the same manner as motorcycles, trucks, truck tractors, road tractors and trailer-type vehicles are currently excluded from applying for a certificate of title or original registration for a specially constructed, reconstructed, street rod or replica motor vehicle.

- Require an autocycle to be registered as an autocycle if designed or converted to transport property less than 1,000 pounds and require an autocycle to be registered as a motor truck if the autocycle is designed or converted to transport property more than 1,000 pounds.

- Require a validation sticker to be affixed to the upper left corner of an autocycle license plate.

The proposed amendments to Chapter 401:

- Restrict the number of characters of a personalized autocycle license plate to no fewer than two and no more than six characters.

- Exclude the availability of collegiate plates for an autocycle.

The proposed amendments to Chapter 425 set dimension requirements for the display, reconditioning, and repair facilities of motor vehicle dealers offering an autocycle for sale. The proposed amendments align the size of the impacted areas with the size of those required of a motor vehicle dealer offering a motorcycle or motorized bicycle for sale.

The proposed amendments to Chapter 602:

- Clarify that an autocycle, as defined in Iowa Code section 321.1, is a vehicle that shall be operated with a valid Class C noncommercial driver's license.

- Update an implementation sentence.

The proposed amendments to Chapter 604:

- Provide that an autocycle shall not be used for a Class C operator's driving test. This is because an autocycle is designed to the safety standards of a motorcycle, which would raise the issue of driver's license examiners' needing to wear safety helmets during operation. Therefore, the Department does not want to expose driver's license examiners to the risk of riding in an autocycle while conducting a driving test. Additionally, due to the fact that an autocycle is not a motorcycle, it shall not be used when a person takes the motorcycle skills test because an autocycle does not require motorcycle skills to operate and a

person driving one will not demonstrate motorcycle riding skills or abilities in a skills test environment, either for a two-wheeled or three-wheeled motorcycle.

- Update an implementation sentence.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.

2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.

3. Indicate the general content of a requested oral presentation.

4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@iowadot.us.

5. Be received by the Department's rules administrator no later than February 7, 2017.

A meeting to hear requested oral presentations is scheduled for Thursday, February 9, 2017, at 2 p.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 321 as amended by 2016 Iowa Acts, House File 2437.

The following amendments are proposed.

ITEM 1. Amend paragraph **400.16(2)“b”** as follows:

- b.* The investigator shall contact the applicant and schedule a time and place for an examination of the vehicle and the ownership documents. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation and must be signed by the owner. The applicant, when appearing with the vehicle for the examination, shall submit to the investigator the ownership document for the vehicle, the ownership documents for essential parts, and a weigh ticket indicating the weight of the vehicle. However, a weigh ticket is not required for motorcycles, autocycles, trucks, truck tractors, road tractors or trailer-type vehicles.

ITEM 2. Amend rule 761—400.37(321) as follows:

761—400.37(321) Motorcycle or autocycle primarily designed or converted to transport property. A motorcycle or autocycle primarily designed or converted to transport less than 1000 pounds of property shall be registered as a motorcycle or autocycle. A motorcycle or autocycle primarily designed or converted to transport 1000 pounds of property or more shall be registered as a motor truck.

This rule is intended to implement Iowa Code sections 321.1 and 321.117.

ITEM 3. Amend subrule 400.53(1) as follows:

400.53(1) Placement of validation sticker. The validation sticker shall be affixed to the lower left corner of the rear registration plate. EXCEPTIONS: For motorcycle, autocycle and small trailer plates, the validation sticker shall be affixed to the upper left corner of the plate. For natural resources plates, the sticker may be affixed to the lower right corner of the rear plate.

ITEM 4. Amend subrule 401.6(2), introductory paragraph, as follows:

401.6(2) Characters. The personalized plates shall consist of no ~~less~~ fewer than two nor more than seven characters except that personalized plates for motorcycles, autocycles and small trailers shall consist of no ~~less~~ fewer than two nor more than six characters.

ITEM 5. Amend rule 761—401.7(321) as follows:

761—401.7(321) Collegiate plates.

401.7(1) Application. Application for collegiate plates shall be submitted to the department on a form prescribed by the department. The applicant may request letter-number designated collegiate plates or personalized collegiate plates. Collegiate plates for motorcycles, autocycles and small trailers are not available.

401.7(2) Characters. Personalized collegiate plates shall be issued in accordance with subrule 401.6(2) except that personalized collegiate plates are not available for motorcycles, autocycles and small trailers.

401.7(3) to 401.7(5) No change.

ITEM 6. Amend subparagraph **425.12(3)“b”(1)** as follows:

(1) For display of motorcycles, ~~and~~ motorized bicycles and autocycles, the minimum size of the display facility is 10 feet by 15 feet.

ITEM 7. Amend subparagraph **425.12(4)“e”(1)** as follows:

(1) The minimum size facility for motorcycles, ~~and~~ motorized bicycles and autocycles is an unobstructed rectangular area measuring 10 feet by 15 feet.

ITEM 8. Amend subparagraph **602.11(1)“a”(1)** as follows:

(1) A motor vehicle, including an autocycle as defined in Iowa Code section 321.1, that does not require a commercial driver’s license or a Class D driver’s license for its operation.

ITEM 9. Amend rule **761—602.11(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1, 321.177, 321.178, 321.180B, 321.189, and 321.196.

ITEM 10. Amend subrule 604.31(1) as follows:

604.31(1) Driving test requirements. The driving test requirements for noncommercial driver’s licenses are as follows:

a. No change.

b. *Class C driver’s licenses.* For a Class C driver’s license other than an instruction permit or a motorized bicycle license, an operator’s driving test in a representative vehicle is required, except that an autocycle as defined in Iowa Code section 321.1 shall not be used for the driving test.

c. No change.

d. *Class M driver’s licenses and motorcycle endorsements.* The driving test for a Class M driver’s license or motorcycle endorsement consists of two parts: an off-street motorcycle skill test and an on-street driving test.

(1) The off-street motorcycle skill test is required. The on-street motorcycle driving test is also required if the applicant does not have another driver’s license that permits unaccompanied driving. Neither motorcycle test is required for the purposes of operating an autocycle.

(2) A motorcycle shall be used for these tests. If a three-wheeled motorcycle is used, the driver’s license shall be restricted: “Not valid for 2-wheel vehicle.” An autocycle is not considered a motorcycle or a three-wheeled motorcycle for testing purposes.

e. No change.

ITEM 11. Amend rule **761—604.31(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.1, 321.174, 321.178, 321.178A, 321.180, 321.180A, 321.180B, 321.186, 321.189, 321.193, 321.196 and 321.198.